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3 BRAYTON ♦ PURCELL LLP
4 ATTORNEYS AT LAW
5 222 Rush Landing Road
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7 Novato, California 94948-6169
8 (415) 898-1555

9 Attorneys for Plaintiff

10
11 **IN THE UNITED STATES DISTRICT COURT**
12 **IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA**
13

14 OMAR BUCHANAN,

15 Plaintiff,

16 vs.

17 ASBESTOS DEFENDANTS (BP), et al.,

18 Defendants.

No. C09-01105 PJH

STIPULATION TO DISMISS
DEFENDANT CROWN CORK & SEAL
AND REMAND CASE TO SAN
FRANCISCO SUPERIOR COURT

19 Come now Plaintiff OMAR BUCHANAN ("Plaintiff") and Defendant CROWN CORK
20 AND SEAL COMPANY INC. ("CC&S"), who file the following stipulation pursuant to Local
21 Rules 7-1 and 7-12:

22 WHEREAS, defendant CC&S removed this case to the United State District Court for
23 the Northern District of California on March 13, 2009, on the ground that the court has "federal
24 officer" subject matter jurisdiction under 28 United States Code § 1442(a) based on Plaintiff
25 allegations that his injury was caused by products designed and manufactured by CC&S under
26 the supervision and control of the United States government;

27 WHEREAS, Defendant CC&S was the sole removing defendant and no other defendant
28 joined in removal or filed a separate notice of removal;

WHEREAS, Plaintiff and Defendant CC&S, the affected parties, have now reached a
resolution of Plaintiff' claims against CC&S;

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STIPULATION TO DISMISS DEFENDANT CROWN CORK & SEAL AND REMAND CASE TO SAN
FRANCISCO SUPERIOR COURT; C09-01105 PJH

1 WHEREAS, Defendant CC&S's desire for a federal forum for this action is now moot
2 and given the resolution of Plaintiff' claims against it; and

3 WHEREAS, pursuant to the parties' resolution, Plaintiff and Defendant CC&S seek to
4 have this action remanded to state court, IT IS HEREBY STIPULATED by the affected parties,
5 Plaintiff and Defendant CC&S, that all claims against Defendant CC&S shall be, and hereby
6 are, dismissed with prejudice pursuant to Rule 41 of the Federal Rules of Civil Procedure and
7 that this action shall be, and hereby is, immediately remanded to the San Francisco County
8 Superior Court, the court in which it was originally filed and from which it was removed.

9 Dated: March 18, 2009

BRAYTON ♦ PURCELL LLP

10
11 By: [Signature]
12 Richard M. Grant
13 Attorneys for Plaintiff

14 Dated: March 18, 2009

ARMSTRONG & ASSOCIATES, LLP

15
16 By: [Signature]
17 Attorneys for Defendant CROWN CORK &
18 SEAL

19 **PURSUANT TO STIPULATION, IT IS SO ORDERED.** Case is REMANDED to the
20 Superior Court of California, County of San Francisco, Case No 274585. The Clerk shall send
21 a certified copy of this Order to the Clerk of the Court for the Superior Court of California,
22 County of San Francisco.
23

24
25 Dated: March 23, 2009

26 By: UNITED STATES DISTRICT COURT



PROOF OF SERVICE

I am employed in the County of Marin, State of California. I am over the age of 18 years and am not a party to the within action. My business address is 222 Rush Landing Road, Novato, California 94948-6169.

On March 19, 2009, I served the attached:

**STIPULATION TO DISMISS DEFENDANT CROWN CORK AND SEAL AND
REMAND CASE TO SAN FRANCISCO SUPERIOR COURT**

on the interested parties in this action by transmitting a true copy thereof in a sealed envelope, and each envelope addressed as follows:

TO ALL PARTIES ON THE ATTACHE SERVICE LIST

XXX

BY OFFICE MAILING: I am readily familiar with this office's practice of collection and processing correspondence, pleadings and other matters for mailing with the United States Postal Service on that same day with postage thereon fully prepaid at Novato, California in the ordinary course of business. I placed in the outgoing office mail, the above-described document(s), in a sealed envelope, addressed to the party(ies) as stated above, for collection and processing for mailing the same day in accordance with ordinary office practices.

Executed this **March 19, 2009** at Novato, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.


JANE A. EHNI

Omar Buchanan v. Asbestos Defs.
U.S.D.C. No. C9-1105 PJH

BRAYTON PURCELL
ATTORNEYS AT LAW
222 RUSH LANDING ROAD
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Matter Number: 102239.001 - Omar Buchanan

Adams Nye Trapani Becht LLP
222 Kearny Street, Seventh Floor
San Francisco, CA 94108
415-982-8955 415-982-2042 (fax)
Defendants:
Taylor Plumbing Supply Company
(TAYPLB)

Armstrong & Associates, LLP
One Kaiser Plaza, Suite 625
Oakland, CA 94612
510-433-1830 510-433-1836 (fax)
Defendants:
Crown Cork & Seal Company, Inc.
(CC&S)

Bassi, Edlin, Huie & Blum LLP
351 California Street, Suite 200
San Francisco, CA 94104
415-397-9006 415-397-1339 (fax)
Defendants:
J.T. Thorpe & Son, Inc. (THORPE)

Berry & Berry
P.O. Box 16070
2930 Lakeshore Avenue
Oakland, CA 94610
510-835-8330 510-835-5117 (fax)
Defendants:
Berry & Berry (B&B)

Bowman and Brooke LLP
879 West 190th Street
Suite 700
Gardena, CA 90248-4227
310-768-3068 310-719-1019 (fax)
Defendants:
Ford Motor Company (FORD)
General Motors Corporation (GM)

Brydon Hugo & Parker
135 Main Street, 20th Floor
San Francisco, CA 94105
415-808-0300 415-808-0333 (fax)
Defendants:
Foster Wheeler LLC (FKA Foster Wheeler
Corporation) (FOSTER)
Nibco Inc. (NIBCO)

Foley & Mansfield PLLP
1111 Broadway, 10th Floor
Oakland, CA 94607
510-590-9500 510-590-9595 (fax)
Defendants:
Calaveras Asbestos, Ltd. (CALASB)
Lindstrom & King Co. Inc. (LINKIN)
Special Electric Company, Inc. (SECINC)

Futterman & Dupree LLP
160 Sansome Street
17th Floor
San Francisco, CA 94104
415-399-3840 415-399-3838 (fax)
Defendants:
Colonial Sugar Refining Company (CSR)

Gordon & Rees LLP
101 West Broadway
Suite 2000
San Diego, CA 92101
619-696-6700 619-696-7124 (fax)
Defendants:
N.H. Sjoberg & Son (NHSJOB)

Gordon & Rees LLP
Embarcadero Center West
275 Battery Street, 20th Floor
San Francisco, CA 94111
415-986-5900 415-986-8054 (fax)
Defendants:
Goodyear Tire & Rubber Company, The
(GOODYR)
Ingersoll-Rand Company (INGRSL)

Hassard Bonnington LLP
Two Embarcadero Center
Suite 1800
San Francisco, CA 94111
415-288-9800 415-288-9802 (fax)
Defendants:
Sequoia Ventures Inc. (SEQUOA)

Howard Rome Martin & Ridley
1775 Woodside Road, Suite 200
Redwood City, CA 94061
650-365-7715 650-364-5297 (fax)
Defendants:
IMO Industries, Inc. (IMOIND)

Imai, Tadlock, Keeney & Cordery, LLP
100 Bush Street, Suite 1300
San Francisco, CA 94104
415-675-7000 415-675-7008 (fax)
Defendants:
American International Supply, Inc.
(AMRINT)

K & L Gates LLP
Four Embarcadero Center
Suite 1200
San Francisco, CA 94111
415-882-8200 415-882-8220 (fax)
Defendants:
Crane Co. (CRANCO)

Knox Rickson LLP
1300 Clay Street, Suite 500
Oakland, CA 94612-1427
510-285-2500 510-285-2505 (fax)
Defendants:
Allis-Chalmers Corporation Product
Liability Trust (ALLIS)

Law Offices of Glaspy & Glaspy
One Walnut Creek Center
100 Pringle Avenue, Suite 750
Walnut Creek, CA 94596
925-947-1300 925-947-1594 (fax)
Defendants:
Garlock Sealing Technologies, LLC
(GARLCK)

Law Offices of Nancy E. Hudgins
565 Commercial, 4th Floor
San Francisco, CA 94111
415-979-0100 415-979-0747 (fax)
Defendants:
Uniroyal Holding, Inc. (UNIROY)

Lewis Brisbois Bisgaard & Smith LLP
221 North Figueroa Street
Suite 1200
Los Angeles, CA 90012
213-250-1800 213-580-7942 (fax)
Defendants:
Advocate Mines, Ltd. (ADVMIN)

Lewis Brisbois Bisgaard & Smith LLP
One Sansome Street
Suite 1400
San Francisco, CA 94104
415-362-2580 415-434-0882 (fax)
Defendants:
Plant Insulation Company (PLANT)

Low, Ball & Lynch
505 Montgomery Street, 7th Floor
San Francisco, CA 94111-2584
415-981-6630 415-982-1634 (fax)
Defendants:
Groeniger & Company (GROEN)

Manatt, Phelps & Phillips, LLP
One Embarcadero
30th Floor
San Francisco, CA 94111
415-291-7400 415-291-7638 (fax)
Defendants:
Ashby Plumbing and Heating Supply
(ASHPLU)
Westburne Supply, Inc. (WESSUP)

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Matter Number: 102239.001 - Omar Buchanan

Morgan, Lewis & Bockius LLP

One Market, Spear Tower
 San Francisco, CA 94105
 415-442-1000 415-442-1001 (fax)

Defendants:

Grinnell Corporation (GRINN)
 Yarway Corporation (YARWAY)

Perkins Coie LLP

Four Embarcadero Center, Suite 2400
 San Francisco, CA 94111
 415-344-7000 415-344-7288 (fax)

Defendants:

Honeywell International, Inc. (HONEYW)

Pond North, LLP

350 South Grand Avenue, Suite 2850
 Los Angeles, CA 90071
 213-617-6170 213-623-3594 (fax)

Defendants:

Familian Corporation (FAMILI)
 Familian Northwest, Inc. (FAMNW)
 Keenan Properties, Inc. (KEENAN)
 Viacom, Inc. (VIACOM)

Schiff Hardin LLP

One Market Plaza
 Spear Street Tower, 32nd Floor
 San Francisco, CA 94105
 415-901-8700 415-901-8701 (fax)

Defendants:

Owens-Illinois, Inc. (OI)

Selman Breitman LLP

33 New Montgomery
 6th floor
 San Francisco, CA 94105
 415-979-0400 415-979-2099 (fax)

Defendants:

Controlco (CNTRLC)
 Douglass Insulation Company, Inc.
 (DOUGLS)

Sonnenschein Nath & Rosenthal, LLP

525 Market Street, 26th Floor
 San Francisco, CA 94105-2708
 415-882-5000 415-882-0300 (fax)

Defendants:

Rapid-American Corporation (RAPID)

Walsworth, Franklin, Bevins & McCall

601 Montgomery Street, 9th Floor
 San Francisco, CA 94111
 415-781-7072 415-391-6258 (fax)

Defendants:

SVI Corporation (SVICOR)
 Thomas Dee Engineering Co., Inc. (DEE)

Wilson, Elser, Moskowitz, Edelman & Dicker LLP

525 Market Street, 17th Floor
 San Francisco, CA 94105-2725
 415-433-0990 415-434-1370 (fax)

Defendants:

A.H. Voss Company (AHVOSS)
 Asbestos Corporation Limited (ASBLTD)